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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PETER DELGADO,
Plaintiff,

vs.

ROBERT BONTA,
Attorney General, the California Department
of Justice;
1300 I STREET, SUITE 135,
Sacramento, CA 95814

Defendant,

CHRISTOPHER RYAN
Chief, Division of Operations, California
Department of Justice;
1300 I Street,
Sacramento, CA 95814

Defendant,

MICHAEL FONG
Director, Office of Fiscal Services, California
Department of Justice;
1300 I Street,
Sacramento, CA 95814
Defendant,

Case No.: UNASSIGNED

EMPLOYMENT DISCRIMINATION
COMPLAINT

EMPLOYMENT DISCRIMINATION 1

1 CHRISTOPHER BEHNKE
2 Staff Service Manager I,
3 Office of Personnel Services, California
4 Department of Justice;
5 1300 I. Street,
6 Sacramento, CA 95814
7 Defendant,
8 CHRISTINE ALLISON
9 Director, Office of Human resources,
10 California Department of Justice;
11 1300 I Street
12 Sacramento, CA 95814
13 Defendant,
14 MEGAN (SATO) MORRISON
15 Formerly, Staff Service Manager III,
16 Contracts and Purchasing Unit, California
17 Department of Justice;
18 Granite Bay, CA 95746
19 Defendant,
20 EMILY PHILLIPS
21 Staff Service Manager II,
22 Contracts and Purchasing Unit, California
23 Department of Justice;
24 Elk Grove, CA 95476
25 Defendant.
26 DOES 1-50 Inclusive
27 Defendant.
28

19 NOW COMES Plaintiff, Plaintiff brings this Employment Discrimination Action,
20 alleging Discrimination, Harassment, and Retaliation. Plaintiff seeks Actual Damages
21 and Punitive Damages.
22

23 1. Plaintiff (Peter Delgado) at all times discussed herein after, the Plaintiff,
24 resides in Placer County, CA. 95648.
25

26 2. The Plaintiff is informed and believes
27

1 a. Defendant MEGAN (SATO) MORRISON herein after MORRISON
2 resides in Granite Bay, CA. 95746.

3
4 b. Defendant EMILY PHILLIPS resides in Elk Grove, CA. 95757.

5 c. Defendants DOES 1-50 (inclusive) true names and capacities
6 (whether individual, corporate, associate, or otherwise) are unknown to the Plaintiff. The
7 Plaintiff sues said Defendants by such fictitious names. The Plaintiff is informed and
8 believes and alleges each of these designated DOE Defendants herein are fictitiously
9 named and are, in some manner, responsible for the events and happenings herein
10 referred to under 42 U.S.C. § 2000e-3(a), § 2000e-5, and § 2000e-16 et. seq. and
11 Defendants DOES caused damage to the Plaintiff as herein alleged. The Plaintiff will
12 amend this Complaint to allege Defendants DOES true names and capacities when
13 available.
14

15
16 d. All Other Defendants are located at 1300 I. Street, Sacramento, CA
17 95814.
18

19 3. Under Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e-3(a), §
20 2000e-5, and § 2000e-16 et. seq.), the Plaintiff brings this Employment Discrimination
21 Action. 42 U.S.C. § 2000e-5 and 42 U.S.C. § 2000e-7 confers the Court jurisdiction over
22 the Action. Under 42 U.S.C. § 2000e-5 (g), the Plaintiff seeks equitable and other relief.
23

24 4. The acts the Plaintiff complains of and alleges concern acts as specified
25 below:
26

1 a. The Defendants negligently hired, supervised and retained
2 employees and the Defendants breached their duty of care toward the Plaintiff when the
3 Defendants knew (or should have known) the employees would pose a particularized risk
4 or hazard to others. A causal connection existed between the Defendants' negligence in
5 selecting and controlling the employees, and the Plaintiff's harm materialized through
6 Defendants Discrimination, Harassment, and Retaliation against the Plaintiff while the
7 Plaintiff was engaged in a Protected Activities and due to the Plaintiff's other Protected
8 Characteristics in violation of 42 U.S.C. § 2000e-5 and § 2000e-16 et. seq.

11 b. August 2020, the Plaintiff lodged an Internal Equal Employment
12 Opportunity (EEO) Complaint/Workplace Violence Incident Report with his Employer's
13 Equal Employment Rights and Resolution (EER&R) Office; alleging Discrimination,
14 Harassment, Bullying, and Retaliation. On October 8, 2021, after raising Discrimination,
15 Harassment, Bullying, and Retaliation to Defendant BEHNKE and Defendant ALLISON, the
16 Plaintiff requested relocation to a different unit. From July 2021 while the California
17 Department of Justice conducted an Internal Investigation, the Defendants continued to
18 subject the Plaintiff to Discrimination, Harassment, Bullying, and Retaliation while the
19 California Department of Justice Equal Employment Rights and Resolution (EER&R)
20 Office investigated the Plaintiff's Internal Equal Employment Opportunity (EEO)
21 Complaint, and while the Plaintiff was engaged in a Protected Activities in violation of
22 42 U.S.C. § 2000e-3(a), § 2000e-5, and § 2000e-16 et. seq. March 3, 2022, the California

1 Department of Justice EER&R Office not only found Defendant MORRISON and
2 Defendant PHILLIPS Discriminated against and Harassed the Plaintiff but also
3 Defendant MORRISON and Defendant PHILLIPS Retaliated against the Plaintiff, while
4 plaintiff was engaged in a Protected Activities in violation of 42 U.S.C. § 2000e-3(a), §
5 2000e-5, and § 2000e-16 et. seq.
6

7
8 c. In or around August 2020, Defendant RYAN and Defendant FONG
9 temporarily removed the Plaintiff from Defendant MORRISON and Defendant
10 PHILLIPS direct chain of supervision. In or around January 2022, while the California
11 Department of Justice EER&R Office continued the Internal EEO Investigation, during a
12 meeting Defendant RYAN and Defendant FONG indicated the intent to return the
13 Plaintiff under Defendant MORRISON and Defendant PHILLIPS direct chain of
14 supervision despite the California Department of Justice's EER&R Office ongoing EEO
15 Investigation. On or about June 15, 2022, despite the California Department of Justice
16 EER&R Office providing a positive Discrimination, Harassment and Retaliation findings,
17 Defendant RYAN and Defendant FONG returned the Plaintiff's unit under Defendant
18 PHILLIPS. Establishing discrete acts subjecting the Plaintiff to a Hostile Work
19 Environment and with the Intent to Continue the Hostile Work Environment, and the
20 Defendants are liable for the harassment that caused the Hostile Environment to exist in
21 violation of 42 U.S.C. § 2000e-5 and § 2000e-16 et. seq. The Plaintiff proffers the
22 Defendants continued and pervasive Discrimination, Harassment and Retaliation altered
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27

1 the conditions of the Plaintiff's employment, created an Abusive Working Environment,
2 and because the Defendant's Discrimination, Harassment and Retaliation alter the
3 conditions of the Plaintiff's employment, the Plaintiff took an early retirement from State
4 Service.
5

6 d. The Defendants failed to take all reasonable steps to prevent the
7 Defendant MORRISON and Defendant PHILLIPS wrongful Discrimination, Harassment,
8 and Retaliation; and the Defendants failure to take appropriate and reasonable responsive
9 action; ratified and endorsed by default Defendant MORRISON and Defendant
10 PHILLIPS Discrimination, Harassment, and Retaliation, and caused the Plaintiff to suffer
11 injury, damage, and harm in violation of 42 U.S.C. § 2000e-5, § 2000e-7, and § 2000e-16
12 et. seq.
13
14

15 e. The Defendants discriminated against, retaliated against, and
16 harassed the Plaintiff, while the Plaintiff was engaged in a Protected Activities in
17 violation of 42 U.S.C. § 2000e-5, § 2000e-7, and § 2000e-16 et. seq.; subjected the
18 Plaintiff to an Adverse Employment Action; and a causal link exists between the
19 Plaintiff's Protected Activities and the Defendants' Adverse Employment Action.
20
21

22 f. The Defendants implemented Adverse Employment Action against
23 Plaintiff in violation of 42 U.S.C. § 2000e-5, § 2000e-7 and § 2000e-16 et. seq., because
24 the Plaintiff opposed Unlawful Employment Practice, and a causal link exists between
25 the Plaintiff's Protected Activities and the Defendants' Adverse Employment Action.
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27

1 g. The Defendants acted with malice and reckless indifference to the
2 Plaintiff's federally Protected Rights speech in violation of 42 U.S.C. § 2000e-5, §
3 2000e-7 and § 2000e-16 et. seq.; the Defendants took Adverse Employment Action to
4 include failing to inform the Plaintiff regarding a job interview and the Defendant's non-
5 selection of Plaintiff because the Plaintiff engaged in constitutionally protected, and the
6 Plaintiff's speech was a "substantial or motivating" factor in the Defendants' Adverse
7 Employment Action.

10 h. The Defendants Discrimination, Harassment, and Retaliation the
11 Plaintiff; creating an Abusive Work Environment in violation of 42 U.S.C. § 2000e-5, §
12 2000e-7, and § 2000e-16 et. seq., because the Plaintiff filed a Hostile Work Environment
13 Complaint, the Harassment was unwelcomed, the Harassment was because the Plaintiff is
14 a Protected Class Member and because the Plaintiff engaged in a Protective Activities;
15 the Defendants Harassment affected the terms and conditions of employment; and the
16 harassment is directly imputed to the Defendants.

19 i. The Defendants colluded against the Plaintiff while the Plaintiff was
20 engaged in a Protective Activities and the Defendants changed the Manager II job
21 description to deny the Plaintiff promotion opportunities in violation of 42 U.S.C. §
22 2000e-5, § 2000e-7, and § 2000e-16 et. seq.

24 j. The Defendants created a Hostile Work Environment against the
25 Plaintiff in violation of 42 U.S.C. § 2000e-5, § 2000e-7, and § 2000e-16 et. seq., and
26

1 constructively terminated the Plaintiff before the Plaintiff could vest his retirement and
2 (because of the Defendants Hostile Work Environment) the Defendants forced the
3 Plaintiff to retire from the State earlier than Age 62 when the State would have paid the
4 Plaintiff Full Retirement.
5

6 k. The Defendants targeted the Plaintiff because the Plaintiff reported
7 unlawful Employment Practices; the Defendants engaged in Discriminative, Harassive
8 and Retaliative conduct; having an adverse impact on the Plaintiff's Employment in
9 violation of 42 U.S.C. § 2000e-5, § 2000e-7, and § 2000e-16 et. seq., and the Defendants'
10 Adverse Employment Action was causally related to the Plaintiff's exercise of Protected
11 Rights and Protected Activities.
12
13

14 5. The Plaintiff (also) alleges Punitive damages is warranted under 42 U.S.C.
15 § 2000e-5, § 2000e-7, and § 2000e-16 et. seq.:
16

17 a. The California Department of Justice has a "Zero Tolerance Anti-
18 Discrimination, Harassment, and Retaliation Policy;" the Defendants certainly knew their
19 Discrimination, Harassment, and Retaliation was wrongful and subject to punishment and
20 in violation of 42 U.S.C. § 2000e-5, § 2000e-7, and § 2000e-16 et. seq., because in or
21 around January 2022 during a meeting, Defendant RYAN and Defendant FONG
22 indicated the intent to return the Plaintiff under Defendant MORRISON and Defendant
23 PHILLIPS direct supervision, while the California Department of Justice EER&R Office
24 continued an ongoing EEO Investigation. On or about June 15, 2022, despite the
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1 California Department of Justice EER&R Office providing a positive Discrimination,
2 Harassment and Retaliation findings, Defendant RYAN and Defendant FONG returned
3 the Plaintiff's unit under Defendant PHILLIPS.
4

5 b. The Defendants targeted the Plaintiff with extreme and outrageous
6 actions in violation of 42 U.S.C. § 2000e-5, § 2000e-7, and § 2000e-16 et. seq.; with the
7 intention of causing (and reckless disregard to the probability of causing) Emotional
8 Distress, and the Plaintiff suffered Extreme Emotional Distress because of the
9 Defendants' outrageous conduct.
10

11 c. In the alternative, the Defendants targeted the Plaintiff with severe
12 and pervasive actions in violation of 42 U.S.C. § 2000e-5, § 2000e-7, and § 2000e-16 et.
13 seq.; causing Negligent Infliction of Emotional Distress, and the Plaintiff suffered
14 Emotional Distress because of the Defendants' Discrimination, Harassment and
15 Retaliation conducts.
16

17 6. The Defendants conduct is Discriminatory with respect to the Plaintiff's
18 Ethnic origin, and the Defendants conduct is Retaliatory and Harassive in regard to the
19 Plaintiff's engagement in Protected Activities.
20

21 7. The basic facts surrounding the Plaintiff's Discrimination, Harassment, and
22 Retaliation claims are the Defendants Discriminated against the Plaintiff, Harassed the
23 Plaintiff, and Retaliated against the Plaintiff because of the Plaintiff's other Protected
24 Characteristics in violation of 42 U.S.C. § 2000e-2 (a) (1), and the Defendants Retaliated
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26
27

1 against the Plaintiff and created a Hostile Work Environment while the Plaintiff engaged
2 in Protected Activities in violation of 42 U.S.C. § 2000e-3(a), § 2000e-5, § 2000e-7, and
3 § 2000e-16 et. seq.
4

5 8. The Plaintiff alleges the Defendants Discriminated against, Harassed, and
6 took Retaliatory Actions against the Plaintiff from February 2019 through April 2022,
7 while the Plaintiff was engaged in Protective Activities and in a Protective Setting, and
8 because the Plaintiff is a Mexican Born American in violation of Title VII of the Civil
9 Rights Act of 1964; 42 U.S.C. 2000e-5, § 2000e-7, and § 2000e-16 et. seq.
10

11 9. The Plaintiff is a Mexican Born American and belongs to a Protected Class.
12 The Plaintiff was qualified for the Manager II position and the Defendants changed the
13 Manager II job description to deny the Plaintiff of promotional opportunities; the
14 Defendants subjected the Plaintiff to Adverse Employment Action because of the
15 Plaintiff's Protected Class; and the Defendants treated similarly situated individuals
16 outside the Plaintiff's Protected Class more favorably.
17
18

19 10. March 3, 2022, after the California Department of Justice provided a
20 positive Discrimination, Harassment and Retaliation findings, March 7, 2022, the
21 Plaintiff filed charges before the State of California Department of Fair Employment and
22 Housing. March 7, 2022, (the same day) the State of California Department of Fair
23 Employment and Housing issued a Notice-of-Right-to-Sue Letter. June 1, 2022, the
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27

1 Plaintiff filed charges with the Federal Equal Employment Opportunity Commission
2 regarding the Defendants alleged Discriminative, Harassive, and Retaliative Conduct.

3
4 11. September 2, 2022, the Federal Equal Employment Opportunity
5 Commission issued a Notice-of-Right-to-Sue Letter (Exhibit A. Attached), which the
6 Plaintiff received via email September 2, 2022.

7
8 12. The Plaintiff hereby demands a Jury trial for all claims for which the Court
9 permits a Jury trial.

10 13. WHEREFORE, the Plaintiff prays the Court find

11 (a.) The California Department of Justice Discriminated against,
12 Harassed against, and Retaliated against plaintiff in violation of 42 U.S.C.
13 2000e-5, § 2000e-7, and § 2000e-16 et. seq.;

14
15 (b.) Actual damages in the amount of \$800,000;

16
17 (c.) Punitive damages in the amount \$5,000,000 (as the Court or
18 the Jury deems proper);

19 (d.) Promotions, service credits and related benefits and
20 entitlements the Plaintiff would have been eligible if the Plaintiff retired
21 July 2024 (when the Plaintiff turned age 62) had the Defendants not
22 Discriminated, Harassed, and Retaliated against the Plaintiff in violation of
23 42 U.S.C. 2000e-5, § 2000e-7, and § 2000e-16 et. seq.;

24
25 (e.) Attorney fees and costs;

1 (f.) Such other relief the Court or the Jury deems reasonable and
2 just.

3
4
5 DATED: Nov. 29, 2022

6 
7 PLAINTIFF'S SIGNATURE

8 Dated this the 30th Day of November 2022

9
10 

11 Michael R. Regis, CA BAR No. 343076
12 Maryland Attorney at Law (No State Bar Nos;
13 Admission Date: 080122014)
14 DC Attorney at Law, Bar No., pending.